

E-filed 9/21/11

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

EBONE LEROY EAST,

No. C 11-00826 RS (PR)

Plaintiff,

**ORDER REVOKING IN FORMA
PAUPERIS STATUS**

v.

WALKENHORSTS,

Defendant,

This closed federal civil rights action, which is currently on appeal, was filed pursuant to 42 U.S.C. § 1983 by a *pro se* state prisoner. The Court of Appeals has referred the matter to this Court for a determination whether *in forma pauperis status* (“IFP”) should continue for this appeal. This Court determines that it should not. The Court certifies that any appeal taken from the order of dismissal and judgment of this action will not be taken in good faith and is therefore frivolous because there are no valid grounds on which to base an appeal. Fed. R. App. P. (“FRAP”) 24(a)(3)(A); *Ellis v. United States*, 356 U.S. 674, 674–75 (1958); *Hooker v. American Airlines*, 302 F.3d 1091, 1092 (9th Cir. 2002). Accordingly, plaintiff’s IFP status is hereby REVOKED. The Clerk shall forthwith notify plaintiff and the Court of Appeals of this order. *See* FRAP 24(a)(4). Plaintiff may file a motion for leave to

1 proceed IFP on appeal in the Court of Appeals within thirty days after service of notice of
2 this order. *See* FRAP 24(a)(5). Any such motion “must include a copy of the affidavit filed
3 in the district court and the district court’s statement of reasons for its action.” *Id.*

4 **IT IS SO ORDERED.**

5 DATED: September 21, 2011


6 RICHARD SEEBORG
United States District Judge

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United States District Court
For the Northern District of California